

OCT 14 2005

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|---|----|------------------------|-----------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | | Application No. | 10/718,272 |
| | | Filing Date | November 18, 2003 |
| | | First Named Inventor | Jeffrey W. Baxter |
| | | Art Unit | 3739 |
| | | Examiner Name | Johnson III, Henry M. |
| Total Number of Pages in This Submission | 14 | Attorney Docket Number | 4131P005C2 |

| ENCLOSURES (check all that apply) | | |
|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTQ/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div> |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual name | William Thomas Babbitt, Reg. No. 39,591 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | <i>William T. Babbitt</i> |
| Date | 10/14/05 |

| CERTIFICATE OF MAILING/TRANSMISSION | | | |
|--|----------------------|------|------------------|
| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office. | | | |
| Typed or printed name | Nedy Calderon | | |
| Signature | <i>Nedy Calderon</i> | Date | October 14, 2005 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/n) 05/04/2004.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Oct-14-05 04:27pm From-B S T Z

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T-124 0003/015 255315

| | | | |
|--|--|----------------------|-----------------------|
| FEE TRANSMITTAL for FY 2005 <small>Patent fees are subject to annual revision.</small> | | Complete if Known | |
| | | Application Number | 10/718,272 |
| | | Filing Date | November 18, 2003 |
| | | First Named Inventor | Jeffrey W. Baxter |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. | | Examiner Name | Johnson III, Henry M. |
| TOTAL AMOUNT OF PAYMENT (\$) 0.00 | | Art Unit | 3739 |
| | | Attorney Docket No. | 4131P005C2 |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit card
 ☐ Money Order
 ☒ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 ☒ Credit any overpayments

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 43 | 43 | 0 | \$0.00 |
| 5 | 5 | 200.00 | \$0.00 |

Multiple Dependent

| Large Entity | Small Entity | Fee Description |
|--------------|--------------|---|
| 1202 60 | 2202 25 | Claims in excess of 20 |
| 1201 200 | 2201 100 | Independent claims in excess of 3 |
| 1203 360 | 2203 180 | Multiple Dependent claim, if not paid |
| 1204 300 | 2204 150 | Reissue independent claims over original patent |
| 1205 300 | 2205 150 | Reissue claims in excess of 20 and over original patent |

or number previously paid, if greater, For Reissues, see below

SUBTOTAL (1) (\$) 0.00

2. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1062 60 | 2062 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2053 130 | 2053 130 | Non-English specification | |
| 1251 120 | 2251 60 | Extension for reply within first month | |
| 1252 450 | 2252 225 | Extension for reply within second month | |
| 1253 1,020 | 2253 510 | Extension for reply within third month | |
| 1254 1,690 | 2254 795 | Extension for reply within fourth month | |
| 1255 2,160 | 2255 1,080 | Extension for reply within fifth month | |
| 1401 600 | 2401 250 | Notice of Appeal | |
| 1402 500 | 2402 250 | Filing a brief in support of an appeal | |
| 1403 1,000 | 2403 500 | Request for oral hearing | |
| 1451 1,510 | 2451 1,510 | Petition to institute a public use proceeding | |
| 1450 130 | 2450 130 | Petitions to the Commissioner | |
| 1807 90 | 1807 50 | Processing fee under 37 CFR 1.17(a) | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 1809 700 | 1809 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 750 | 2810 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |

Other fee (specify) _____

SUBTOTAL (2) (\$) _____

| | | | |
|---------------------|---------------------------|-----------------------------------|----------------|
| SUBMITTED BY | | Complete (if applicable) | |
| Name (Print/Type) | William Thomas Babbitt | Registration No. (Attorney/Agent) | 39,591 |
| Signature | <i>William T. Babbitt</i> | Telephone | (310) 207-3800 |
| | | Date | 10/14/05 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 12/15/2004).
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**FEE TRANSMITTAL
for FY 2005**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

Complete if Known

| | |
|----------------------|-----------------------|
| Application Number | 10/718,272 |
| Filing Date | November 18, 2003 |
| First Named Inventor | Jeffrey W. Baxter |
| Examiner Name | Johnson III, Henry M. |
| Art Unit | 3739 |
| Attorney Docket No. | 4131P005C2 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakey, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayment of fee(s) ☒ Credit any overpayments

under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION**1. EXTRA CLAIM FEES**

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|---|----------|
| 43 | 0 | 50.00 | \$0.00 |
| 5 | 0 | 200.00 | \$0.00 |
| Multiple Dependent | | | |
| Large Entity | Small Entity | Fee Description | |
| Fee Code | Fee Code | | |
| 1202 50 | 2202 25 | Claims in excess of 20 | |
| 1201 200 | 2201 100 | Independent claims in excess of 3 | |
| 1203 360 | 2203 180 | Multiple Dependent claim, if not paid | |
| 1204 300 | 2204 150 | **Release independent claims over original patent | |
| 1205 300 | 2205 150 | **Release claims in excess of 20 and over original patent | |
| SUBTOTAL (1) | | | (\$) |

**or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|----------------------|--------------|--|----------|
| Fee Code | Fee Code | | |
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 2053 130 | 2053 130 | Non-English specification | |
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| 1254 1,590 | 2254 795 | Extension for reply within fourth month | |
| 1255 2,160 | 2255 1,080 | Extension for reply within fifth month | |
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| 1403 1,000 | 2403 500 | Request for oral hearing | |
| 1451 1,510 | 2451 1,510 | Petition to institute a public use proceeding | |
| 1480 130 | 2460 130 | Petitions to the Commissioner | |
| 1807 50 | 1807 50 | Processing fee under 37 CFR 1.17(c) | |
| 1808 180 | 1808 180 | Submission of Information Disclosure Sheet | |
| 1809 790 | 1809 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| Other fee (specify): | | | |
| SUBTOTAL (2) | | | (\$) |

SUBMITTED BY

| | | | | | |
|-------------------|---------------------------|-----------------------------------|----------|-----------|----------------|
| Name (Print/Type) | William Thomas Babbitt | Registration No. (Attorney/Agent) | 39,591 | Telephone | (310) 207-3800 |
| Signature | <i>William T. Babbitt</i> | Date | 10/14/05 | | |

Based on PTO/SB/17 (12-04) as modified by Blakey, Sokoloff, Taylor & Zafman (wr) 12/16/2004.
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REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER 3729

BSTZ No. 00431.P005C2
Guidant No. R0037C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey W. Baxter, et al.

Application No. 10/718,272

Filed: 11/18/2003

For: APPARATUS AND METHOD FOR MINIMALLY
INVASIVE SURGERY USING ROTATIONAL
CUTTING TOOL

Examiner: Johnson III, Henry M.

Art Unit 3739

AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the final Office Action mailed August 9, 2005, Applicants respectfully request entry of the following amendment.